

REMARKS

Initially, in the Office Action dated December 5, 2003, the Examiner rejects claims 6 and 10 under 35 U.S.C. §102(b) as being anticipated by EP 000827353 A2 (Piosenka et al.). Claims 1-3, 5, 7 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Piosenka et al. in view of GB 2313519 (Bernd et al.). Claims 4 and 8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Piosenka et al. and Bernd et al. and further in view of U.S. Patent No. 6,625,445 (Ishigami).

By the present response, Applicant has amended claims 1, 6, 7 and 10 to further clarify the invention. Claims 1-10 remain pending in the present application.

35 U.S.C. §102 Rejections

Claims 6 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Piosenka et al. Applicants respectfully traverse these rejections.

Piosenka et al. discloses method and system for programming a cellular phone via the use of a personal computer. Software within the PC provides a graphical user interface to the user for ease and simplicity of selecting various programming features and settings associated with the cellular telephone to be programmed. The software further includes a translator for translating these user selected features/settings in to specific key depresses to be sent to the cellular telephone, via software and hardware interfaces, for accomplishing the programming of such features/settings. The software includes capability to monitor the data being displayed on the cellular telephone because such data may be required to accomplish various programming features.

Applicants submit that Piosenka et al. does not disclose or suggest the limitations in the combination of claims 6 and 10 of the present application of, inter alia, making a backup of personalized information stored in a phone having first memory means for storing the personalized information where a connection is established between the portable phone and a computer on which a data transfer application is running, controlling the data transfer application to read the personalized information from the first memory means for storing the personalized information to a memory means associated with the data transfer application in the computer, where a user of the computer is allowed to select the type of personalized information read from the portable phone and stored in the computer. The Examiner asserts that Piosenka et al. discloses making a backup of personalized information stored in a handheld portable phone at col. 7, lines 39-44. However, this portion of Piosenka et al. merely discloses that the method of programming the cellular telephone is implemented on the computing device with a software application where the software application has the ability to transmit data to the cellular phone via link 18 and interface apparatus 20 and receive data from the cellular telephone via the same channels. Piosenka et al. is related to programming of a cellular telephone where information is sent from a computer through an interface apparatus 20 to a cellular telephone. In contrast, the claims of the present application relate to making a backup of personalized information stored in a handheld portable phone where the user at a computer selects the type of personalized information to be backed up and controls a data transfer application to read the personalized information from a memory means of the handheld portable phone and store the personalized

information in the memory means associated with the data transfer application in the computer. Therefore, in contrast to the programming disclosed in Piosenka et al., the data is read from the handheld portable phone and stored in the computer.

The Examiner asserts that Piosenka et al. discloses controlling the data transfer application on the computer (as recited in the claims of the present application) in Piosenka et al., Figs. 5-7 and col. 8, lines 36-52. However, Figs. 5-7 merely disclose the major software components of the computer, a GUI screen of phonebook features and a flowchart showing steps to program a phone. Further, col. 8 merely discloses the functionality of the GUI and how it helps and allows a user to easily select, activate or modify various programming features of the cellular telephone. This is not controlling a data transfer application on a computer to read personalized information from a memory means of a handheld portable phone and store this personalized information in a memory means of a computer, as recited in the claims of the present application. As noted previously, Piosenka et al. merely discloses the programming of a cellular phone where data is sent from the computer to the cellular telephone.

Accordingly, Applicants submit that Piosenka et al. does not disclose or suggest the limitations in the combination of each of claims 6 and 10 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 1-3, 5, 7 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Piosenka et al. in view of Bernd et al. Applicants respectfully traverse these rejections.

Bernd et al. discloses configuring a radio unit that involves downloading data blocks from a second memory element of a second radio unit into a computer via radio service software, processing the data blocks in the computer and partitioning at least product specific data blocks into a first memory block of the computer and at least common data blocks, such as channel data and bandwidth, into a second memory block of a computer. The common data blocks are then uploaded from the second memory block of the computer into a first memory element of the first radio unit.

Regarding claims 1 and 7, Applicants submit that neither Piosenka et al. nor Bernd et al., taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, transferring personalized information from a first handheld portable phone having a first memory means for storing the personalized information to a second handheld portable phone having a second memory means for storing the personalized information that includes establishing a connection between the first handheld portable phone and a computer on which a data application is running, controlling the data transfer application on the computer by a user to read the personalized information from the first memory means for storing to a memory means associated with the data transfer application in the computer, establishing a connection between

the second handheld portable phone and the computer, or controlling the data transfer application on the computer to write the personalized information from the memory means associated with the data transfer application to the second memory means for storing the personalized information in the second handheld portable phone. The Examiner asserts that Piosenka et al. discloses a method and program product of transferring personal information from one handheld portable phone having memory means to a computer at col. 7, lines 39-44. However, as discussed previously, this portion of Piosenka et al. merely discloses that the method of programming the cellular telephone is implemented on the computing device with a software application where the software application has the ability to transmit data to the cellular phone via link 18 and interface apparatus 20 and receive data from the cellular telephone via the same channels. Piosenka et al. is related to programming of a cellular telephone where information is sent from a computer through an interface apparatus 20 to a cellular telephone. In contrast, the claims of the present application relate to making a backup of personalized information stored in a handheld portable phone.

The Examiner admits that Piosenka et al. does not disclose or suggest a second handheld portable phone in which a computer is connected in order to receive the personalized information downloaded from the first portable phone, but asserts that Bernd et al. discloses this limitation in Fig. 3 and page 4, lines 6-24. However, this portion of Bernd et al. merely discloses configuring a first radio unit with common data from a second radio unit where the common data may include data such as frequency channel data, channel numbers, channel names, channel

bandwidths, etc. This portion of Bernd et al. also discloses the advantages of the transfer of this common data where one radio system A may plan to expand coverage and therefore need to combine its common data with additional units of a mobile B design thus the transfer of information avoids having to manually type in the additional common data. This is not a first handheld portable phone for storing personalized information to a second handheld portable phone, as recited in the claims of the present application. The information that is transferred in Bernd et al. relates to common data and is not personalized information as recited in the claims of the present application. Bernd et al. discloses the transfer of common data from a first radio unit to one or more second radio units thereby allowing a dealer to program other radio units by merging the common data from the first radio unit to the other radio units. This is not personalized information as recited in the claims of the present application. Moreover, Bernd et al. does not disclose or suggest allowing a user of a computer to individually select the type of personalized information to be written into the second memory means prior to the controlling of the data transfer, as recited in the claims of the present application.

Regarding claims 2, 3, 5 and 9, Applicants submit that these claims are dependent on one of independent claims 1 and 7 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, none of the cited references disclose or suggest personalized information including phone book content, message content, profile setting, phone and call settings and service settings.

Accordingly, Applicants submit that neither Piosenka et al. nor Bernd et al, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 1-3, 5, 7 and 9 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claims 4 and 8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Piosenka et al. and Bernd et al. in view of Ishigami. Applicants respectfully traverse these rejections.

Ishigami discloses a data transfer method for reducing the burden on a mobile communication device. Phone directory data is stored in the data. When transferring phone directory data from the computer to a mobile communication device, it is determined whether the processing power of the mobile communication device is large enough to produce desired search tables from the phone directory data. If the processing power is large enough, the phone directory data is sequentially transferred to the mobile communication device. If no such processing power is available, the computer produces the desired search tables and the phone directory data having the desired search tables added thereto is essentially transferred to the mobile communication device.

Applicants submit that claims 4 and 8 are dependent on one of independent claims 1 and 7 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Applicants submit that none of the cited references, taken alone or in combination disclose the data transfer application prior to a transfer of the personalized information to the second phone

evaluating the second phone's capabilities to receive the personalized information, adapting when needed the personalized information so it fits with the second phone's capabilities to receive the personalized information, and transferring the adapted personalized information to the second phone. Applicants submit that Ishigami does not overcome the substantial defects noted previously regarding Piosenka et al. and Bernd et al.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 4 and 8 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-10 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

U.S. Application No. 09/788,493

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 1030.39683X00).

Respectfully submitted,

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